

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ELIZABETH McNAIR, Administrator Ad
Prosequendum of the ESTATE OF
DARRELL SMITH, and ELIZABETH
McNAIR, Individually,

Plaintiff(s)

v.

STATE OF NEW JERSEY, DEPARTMENT
OF CORRECTIONS, SPECIAL
TREATMENT UNIT, ADULT
DIAGNOSTIC & TREATMENT CENTER,
COMMISSIONER MARCUS O. HICKS, in
his official and individual capacity,
RAYMOND ROYCE, in his official and
individual capacity, NEW JERSEY
DEPARTMENT OF HEALTH, RUTGERS,
THE STATE UNIVERSITY OF NEW
JERSEY, d/b/a/ RUTGERS BIOMEDICAL
& HEALTH SCIENCES, UNIVERSITY
CORRECTIONAL HEALTH CARE,
CHARICE POWELL, in her official and
individual capacity, GIUSEPPE
MANDARA, in his official and individual
capacity, HENRY ACEBO, in his official
and individual capacity, OFFICER JAGDAT
PERSAD, in his official and individual
capacity, OFFICER MARZETTIE
SHAMBERGER, in his official and
individual capacity, SGT. FREDDIE
RODRIGUEZ, in his official and individual
capacity, OFFICER JOSE VALENTIN, in
his official and individual capacity,
OFFICER DAMION GILBERT, in his
official and individual capacity, OFFICER
RONY APONTE, in his official and
individual capacity, OFFICER TIMOTHY
FOSTER, in his official and individual
capacity, OFFICER BENNY PEREZ, in his
official and individual capacity, SGT.
TIMMIE ORANGE, in his official and

Civil Action No: 2:21-cv-01291

**JOINT STIPULATION OF VOLUNTARY
DISMISSAL**

individual capacity, ESTATE OF SGT. PHILIP RILEY, in his official and individual capacity, LT. ANTONIO COSTEIRO, in his official and individual capacity, LT. FRANCISCO ESTRADA, in his official and individual capacity, ARTHUR BREWER, M.D., CCHO, in his official and individual capacity, FRANK A. GHINASSI, PHD, in his official and individual capacity, JULIE WHITE, MSW, CCHP, in her official and individual capacity, IHUOMA NWACHUKWU, M.D., in her official and individual capacity, BHARATKUMAR R. PATEL, M.D., in his official and individual capacity, BENEDICTA KONAMAH, RN, in her official and individual capacity, BALMATEE NAIDOO, R.N., in her official and individual capacity, YVONNE P. PADEN, R.N., in her official and individual capacity, MARIE COLTILDE FLEURANTIN R.N., in her official and individual capacity, DELORES GUIDA, R.N., in her official and individual capacity, JOHN DOES 1-20, JANE ROES 1-20, in their official and individual capacity, and ABC COMPANY/ CORPORATION, 1-10) (fictitious names),

Defendant(s).

Elizabeth McNair, Administrator Ad Prosequendum of the Estate of Darrell Smith, and Elizabeth McNair, Individually (hereinafter the “Plaintiffs”), and Sgt. Antonio Costeira (improperly pled as Lt. Antonio Costeiro) (hereinafter “Defendant Costeira”) hereby stipulate and agree as follows:

1. All Counts of the Second Amended Complaint are dismissed without prejudice against Defendant Costeira only, with each party to bear their own costs, including any attorney’s fees and other expenses of this litigation with respect thereto.

2. Accordingly, there are no remaining claims against Defendant Costeira, who is hereby dismissed entirely from this action without prejudice.

3. Defendant Costeira further agrees that if Plaintiffs choose to refile the above-mentioned action against him, Defendant Costeira will not assert the Statute of Limitations as a defense to such re-filed action.

4. Plaintiffs have not received, and will not receive, any monetary consideration in connection with this voluntary dismissal.

By: /s/ Tracey C. Hinson

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Attorneys for Plaintiffs

Date: January 27, 2022

By: /s/ Craig A. Domalewski

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Date: January 27, 2022